REMARKS

Introduction

Claims 1 - 19 were originally pending in this application. Claim 1 has been amended. Claims 9-19 have been withdrawn from consideration by the Examiner pursuant to 37 CFR 1.142(b). Claim 3 has been cancelled by way of this Amendment. No new matter has been added. Thus, claims 1, 2 and 4-8 remain in this application.

Claim Rejections

In a January 2, 2004 Office Action, claims 1 – 4 were finally rejected under 35 U.S.C. § 102(e) or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over the Moffitt et al. '324 patent. Accordingly, independent claim 1 has been amended to describe an invention that includes structure that is neither disclosed nor suggested by the Moffitt et al. '324 patent. Remaining claims 2, 4-8 are each ultimately dependent upon independent claim 1 and include further perfecting limitations. Applicant respectfully requests reconsideration and withdrawal of the final rejections in view of the amendment made to this application by way of this Amendment as explained in greater detail below.

The Prior Art

The Moffitt et al. '324 Patent

The Moffitt et al. '324 patent discloses a method of securing decorative insert to underlying plastic skin for trim panel. The method taught by the Moffitt et al. '324 patent first provides a perform. The perform is defined as the combination of am insert 26 secured to a coverstock or cover material. Fig.1. Specifically, the insert 26 is secured to the side of the coverstock or skin material 32

that will define the class-A side of the trim panel. More specifically, the skin material 32 provides the class-A for the entire trim panel, but for the portion used to secure the insert 26. (Column 2, lines 44-51). Once this perform 35 is formed, it is transferred into a mold tool 36 having a tuck blade 38 and foam 50 is injected behind the skin 32 to complete the trim panel 51. (Column 2, lines 1-3). The Moffitt et al. '324 patent teaches that a skin layer 32 and an insert 26 are bought together within the mold cavity, wherein the ***skin layer*** 32 has a class A-surface and the insert is provided with an ***adhesive layer*** 26A for bonding to the injected resin 50. Furthermore, during injection of the foam 50, the Moffitt et al. '324 patent specifically advocates that the bond between the insert 26 and the skin 32 is not exposed to the foam 50. (Column 1, lines 65-67).

However, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly where the ***formed rigid substrate defines the class-A side surface*** of the trim panel assembly. Moreover, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly where the class-A side surface of the trim panel assembly is formed by the thermoplastic material that is injected into a mold cavity. Furthermore, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly where the contact surface of the trim panel component is bonded to the substrate, as required by independent claim 1, as amended.

The Present Invention

In contrast to the Moffitt et al. '324 patent and the remaining references of record in this case, the present invention, as defined in independent claim 1, is directed toward a method of manufacturing an interior trim panel assembly having integrated trim panel components. The method includes providing a die including a pair of die halves cooperating to define a mold cavity to

form a interior trim panel where at least one of the die halves includes a surface defining an class-A surface within the mold cavity and a plurality of recesses having a predetermined shape. The method further includes placing at least one trim panel component having a contact surface into a corresponding recess within the mold cavity and closing the die halves. Next, the method includes injecting a molten thermoplastic material into the mold to form a rigid substrate and define a class-A side surface thereon that is visible from the interior of a vehicle when secured to a vehicle door where the injected molten thermoplastic material has a predetermined pressure less than the maximum clamp pressure of the die. The method further includes bonding the molten thermoplastic material to the contact surface of the trim panel component within the mold cavity while the rigid substrate is formed.

Argument

Applicant respectfully submits that the method of manufacturing a trim panel assembly for the interior of a vehicle having integrated trim panel components defined in independent claim 1 is not disclosed or suggested by the Moffitt et al. '324 patent. More specifically, the Moffitt et al. '324 patent does not disclose or suggest a method of manufacturing a trim panel assembly that forms a ***rigid substrate having a class-A side surface*** by injecting molten thermoplastic into a mold cavity. Furthermore, Moffitt et al. includes no teachings concerning a method of forming ***a rigid substrate to define a class-A side surface thereon***. Likewise, there is nothing in the Moffitt et al. patent that advocates bonding the contact surface of a trim panel component to the rigid substrate as it forms, as required by independent claim 1, as amended. For these reasons, the applicant respectfully submits that the rejection under §102 should be withdrawn.

On the other hand, a rejection based on §103 must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Here, it is respectfully submitted that the Moffitt et al. '324 patent skirts around, but does not suggest the claimed invention ***as a whole***. See Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1383 (Fed. Cir. 1986). In fact, the Moffitt et al. method of manufacturing a trim panel assembly is fundamentally different from the present invention as defined in independent claim 1, as amended. Specifically, the method disclosed by Moffitt et al. trim panel assembly includes providing a ***skin material that is separate from the substrate*** to define the class-A side while the method of ***the present invention defines the class-A side surface within the rigid substrate*** formed by injecting thermoplastic material into a mold cavity. Thus, it is respectfully submitted that the Examiner is picking and choosing elements from the dissimilar method disclosed in the Moffitt et al. '324 patent, adding other elements that are missing from the disclosure and restructuring the Moffitt et al. method, using hindsight and the applicant's own disclosure, to conclude that the claimed invention is obvious. This is improper. There is a fundamental axiom in patent law that if a reference must be reconstructed or rearranged to change its operation to meet the applicant's claim, that modification of the reference is inappropriate and cannot stand.

There is simply no motivation provided in the Moffitt et al. '324 reference to include the step of injecting a thermoplastic material to form a rigid substrate to define a class-A side surface thereon during the manufacture of a trim panel assembly. Similarly, there is no suggestion provided in the Moffitt et al. patent to form a rigid substrate having a class-A side surface where the contact surface of a trim panel component is bonded thereto as the substrate forms. In view of the above, it is respectfully submitted that independent claim 1 is neither disclosed nor suggested by the prior art and is patentably distinguishable from the subject matter of the reference discussed above. It is further

submitted that the disclosures of the Morrison et al. '251, Smith '233, Smith et al. '438, and Jones et al. '130 patents do not make up for the deficiencies of the Moffitt et al. '324 patent. Rather, the disclosures of each of these references would have to be improperly modified to meet the limitations of independent claim 1, as amended.

Claims 2 and 4- 8 are all ultimately dependent upon independent claim 1 and add further perfecting limitations. As such, the cited prior art reference and those or record do not suggest the subject invention. However, even if they did, they could only be applied through hindsight after restructuring the disclosure of the prior art in view of applicant's invention. A rearrangement of the teachings described in these references to derive applicant's invention would, in and of itself, be an invention.

Conclusion

In view of the above, applicant respectfully submits that the claims, as amended, clearly distinguish over the prior art and are therefore allowable. Accordingly, applicant respectfully solicits the allowance of the claims pending in this case.

Respectfully submitted,

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